

1053 Don Mills Road, 2, 4, 4R, and 6 The Donway East Zoning By-law Amendment, Plan of Subdivision, and Site Plan Applications – Appeal Report

Date: January 25, 2024

To: North York Community Council

From: Director, Community Planning, North York District

Ward: 16 – Don Valley East

Planning Application Number: 21 223792 NNY 16 OZ, 21 223797 NNY 16 SB, 23 139212 NNY 16 SA

Related Planning Application Number: 21 223798 NNY 16 RH

SUMMARY

On October 8, 2021, Zoning By-law Amendment and Plan of Subdivision applications were submitted to permit four residential buildings that were proposed to be 32 storeys (Building A), 28 storeys (Building D), 24 storeys (Building B), and 16 storeys (Building C) in height. The proposal contained a total of 1,185 dwelling units, including 160 rental replacement units and 34 market rental units, as well as a public park, a public road, and a privately-owned-publicly accessible space (POPs). On April 28, 2023, an associated Site Plan Application was submitted, as well as a resubmission for the aforementioned Zoning By-law Amendment and Plan of Subdivision applications. The submissions reflect a revised proposal consisting of reduced heights of 29 stories for Building A, 25 stories for Building D, and 12 stories for Building C. The revised proposal also includes an increased gross floor area from 80,731 square metres to approximately 84,023 square metres as a result of changes made to the building massing, a decreased total number of dwelling units from 1,185 units to 1,176 units, including an additional 16 market rental units (the 160 replacement rental units remains unchanged), as well as various other changes to the building layout and massing, the configuration of the proposed POPS, and public park.

There are four 4-storey rental buildings on the site containing 160 residential rental units which would be demolished and are proposed to be replaced within the new development. This is subject to the related Rental Housing Demolition application, which is under review.

On October 20, 2023, the Applicant appealed all applications to the Ontario Land Tribunal ("OLT") due to Council not making a decision within the time frame in the Planning Act. A Case Management Conference was held on January 19, 2024. No hearing dates have been set to date. A second case management conference has not

yet been scheduled. It is anticipated that a procedural order would be established to determine the sequencing of the various appeals to resolve the Zoning amendment matters prior to the Plan of Subdivision and Site Plan Control matters.

This report recommends that the City Solicitor with the appropriate City staff attend the OLT hearing to oppose the applications in their current form and to continue discussions with the Applicant to resolve outstanding issues.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council direct the City Solicitor and appropriate City staff to attend the Ontario Land Tribunal in opposition to the current Applications regarding the Zoning By-law Amendment, Plan of Subdivision, and Site Plan appeals for the lands at 1053 Don Mills Road, 2, 4, 4R, and 6 The Donway East and to continue discussions with the Applicant in an attempt to resolve outstanding issues.
2. In the event that the Ontario Land Tribunal allows the appeals in whole or in part, City Council authorize the City Solicitor to request that the issuance of any final Orders be withheld until such time as the City Solicitor advises that:
 - a) the final form and content of the draft Zoning By-law to the satisfaction of the City Solicitor and the Chief Planner and Executive Director, City Planning;
 - b) the Draft Plan of Subdivision as well as the Conditions of Draft Plan Approval respecting the proposed Plan of Subdivision are in a form and content acceptable to the Chief Planner and Executive Director, City Planning, prepared in consultation with the City Solicitor and appropriate City Divisions;
 - c) the Site Plan as well as the Notice of Approval Conditions respecting the proposed Site Plan are in a form and content acceptable to the Chief Planner and Executive Director, City Planning, prepared in consultation with the City Solicitor and appropriate City Divisions;
 - d) the owner has addressed all outstanding issues raised by Engineering and Construction Services as they relate to the applications to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services;
 - e) the owner has provided a Functional Servicing Report, Hydrogeological Report, and Stormwater Management Report to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, and the General Manager, Toronto Water that address both the zoning by-law amendment and draft plan of subdivision;
 - f) the owner has provided a revised Traffic Impact Study, including acceptable Transportation Demand Measures (TDM), to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, the

General Manager, Transportation Services, and the Chief Planner and Executive Director, City Planning Division that address both the zoning by-law amendment and draft plan of subdivision;

- g) the owner has made satisfactory arrangements with the City and has entered into the appropriate agreement(s) for the design and construction of any improvements to municipal infrastructure, should it be determined that upgrades and/or road and/or signal improvements are required to the infrastructure to support the development, according to the accepted Engineering Reports and Traffic Impact Study accepted by the Chief Engineer and Executive Director, Engineering and Construction Services and the General Manager, Transportation Services;
- h) the owner has satisfactorily addressed matters from the Urban Forestry, Tree Protection and Plan Review memorandum dated July 5, 2023, or as may be updated, in response to further submissions filed by the Owner, all to the satisfaction of the Supervisor, Tree Protection and Plan Review;
- i) the owner has entered into an agreement with the city for the fee simple conveyance of the on-site parkland dedication requirement and at no cost to the city, with such conveyance to occur prior to the issuance of the first above grade building permit, to the satisfaction of the General Manager, Parks, Forestry and Recreation;
- j) the agreement referred to in Part 2.i. above shall include terms requiring the conveyance of the parkland free and clear, above and below grade, of all easements, encumbrances, and encroachments, in an acceptable environmental condition; the owner may propose the exception of encumbrances of tiebacks, where such an encumbrance is deemed acceptable by the General Manager, Parks, Forestry and Recreation, in consultation with the City Solicitor; and such an encumbrance will be subject to the payment of compensation to the City, in an amount as determined by the General Manager, Parks, Forestry and Recreation and the Executive Director, Corporate Real Estate Management
- k) City Council has approved the Rental Housing Demolition Application No. 21 223798 NNY 16 RH in accordance with Chapter 667 of the Toronto Municipal Code pursuant to Section 111 of the City of Toronto Act, 2006 to permit the demolition of the one hundred-sixty (160) existing rental dwelling units at 1053 Don Mills Road, 2, 4, 4R, and 6 The Donway East, and the owner has entered into, and registered on title to the lands, one or more agreements with the City, to the satisfaction of the Chief Planner and Executive Director, City Planning and the City Solicitor, securing all rental housing-related matters necessary to implement City Council's decision including:
 - a. replacement of the existing 160 rental housing units, including the same number of units, bedroom type and size and with similar rents; and
 - b. an acceptable Tenant Relocation and Assistance Plan addressing the right for existing tenants to return to a replacement rental unit on the lands

at similar rents, the provision of rent gap assistance, and other assistance to lessen hardship, all to the satisfaction of the Chief Planner and Executive Director, City Planning.

3. Should it be determined that upgrades are required to the infrastructure to support the development according to the accepted Functional Servicing Report, City Council direct the City Solicitor and appropriate City staff to request that a Holding provision (H) be included in the final form of the site-specific Zoning By-law Amendment, not to be lifted until such time as the owner has made satisfactory arrangements, including entering into appropriate agreement(s) with the City, for the design and construction of any improvements to the municipal infrastructure and the provision of financial securities to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services.

4. Should the Ontario Land Tribunal approve the Zoning By-law Amendment application, City Council approve a development charge credit against the Parks and Recreation component of the Development Charges for the design and construction by the applicant of the Above Base Park Improvements to the satisfaction of the General Manager, Parks, Forestry and Recreation; such development charge credit shall be in an amount that is the lesser of the cost to the applicant of designing and constructing the Above Base Park Improvements, as approved by the General Manager, Parks, Forestry and Recreation, and the Parks and Recreation component of development charges payable for the development in accordance with the City's Development Charges By-law, as may be amended from time to time.

5. City Council authorizes the City Solicitor and City staff to take any necessary steps to implement City Council's decision.

FINANCIAL IMPACT

The City Planning Division confirms that there are no financial implications resulting from the recommendations included in this report in the current budget year or in future years.

DECISION HISTORY

On October 8, 2021, Zoning By-law Amendment and Plan of Subdivision applications were submitted and deemed to be complete as of November 18, 2021.

A Preliminary Report was adopted by North York Community Council on February 23, 2022 authorizing staff to conduct a community consultation meeting with an expanded notification area. The decision of the North York Community Council can be found here: <https://secure.toronto.ca/council/agenda-item.do?item=2022.NY30.20>

An associated Site Plan Application was submitted and deemed complete as of April 28, 2023.

On October 20, 2023, the Applicant appealed the applications to the Ontario Land Tribunal ("OLT") due to Council not making a decision within the time frame in the Planning Act.

SITE AND SURROUNDING AREA

Site Description and Dimensions: The site is located at the northeast corner of Don Mills Road and The Donway East. The site is irregular in shape and has an approximate area of 19,959 square metres, with a frontage of approximately 87 metres along Don Mills Road and 260 metres along The Donway East. There is a 10.67-metre-wide City-owned right of way bisecting the site in a general north-southeast direction.

Existing Use: Four, 4-storey residential apartment buildings.

Surrounding uses include:

North: 4-7 storey low-rise apartment buildings.

East: single detached residential dwellings, Greenland Public School, and a daycare centre, as well as Don Mills Collegiate Institute to the northeast, and a 4-storey assisted living apartment to the southeast.

South across from The Donway East are single detached residential dwellings.

West: across Don Mills Road are surface parking lots and the Civitan Arena. Further west are high-rise residential towers and northwest of the site is the Shops at Don Mills shopping centre.

THE APPLICATION

	Original Proposal (October 2021)	Revised Proposal (April 2023)
Site Area – Gross	19,959 square metres	19,959 square metres
Parkland	1,791 square metres	1,704 square metres
Gross Floor Area	80,731 square metres	84,023 square metres
Density	4.05 FSI	4.21 FSI

	Original Proposal (October 2021)	Revised Proposal (April 2023)
Building Height - Building A - Building B - Building C - Building D	Storeys (Metres excluding mechanical penthouse) 32 storeys (99.7 metres) 24 storeys (76.1 metres) 16 storeys (53.5 metres) 28 storeys (88.3 metres)	Storeys (Metres excluding mechanical penthouse) 29 storeys (92.3 metres) 24 storeys (77.5 metres) 12 storeys (39.5 metres) 25 storeys (80.0 metres)
Unit Mix - Studio - 1-bedroom - 2-bedroom - 3-bedroom	- 172 units (14.5%) - 479 units (40.4%) - 416 units (35.1%) - 118 units (10.0%) Total: 1,185 units	- 9 units (0.8%) - 688 units (58.5%) - 359 units (30.5%) - 120 units (10.2%) Total: 1,176 units
Rental Replacement	160 units	160 units
Vehicular Parking - Residential - Visitor	- 961 spaces - 119 spaces Total: 1,080 spaces	- 616 spaces - 64 spaces Total: 680 spaces
Bicycle Parking - Long-Term - Short-Term	- 1,067 spaces - 119 spaces Total: 1,186 spaces	- 1,059 spaces - 119 spaces Total: 1,178 spaces
Loading	4 Type "G" spaces	4 Type "G" spaces
Amenity Space - Indoor - Outdoor	- 2,716 square metres (2.29 sq. m. per unit) - 3,480 square metres (2.94 sq. m. per unit)	- 2,365 square metres (2.01 sq. m. per unit) - 3,640 square metres (3.10 sq. m. per unit)

Additional Information

See Attachments 1-6 of this report for a location map, Application Data sheet, three dimensional representations of the project in context, a site plan of the proposal, and the draft Plan of Subdivision. The Application Data Sheet contains additional details on the proposal including: site area and dimensions; floor area; unit breakdowns; and parking counts.

All plans and reports submitted as part of the application can be found on the City's Application Information Centre at:
<https://www.toronto.ca/city-government/planning-development/application-information-centre/>

Reasons for Application

The Zoning By-law Amendment Application proposes to amend Zoning By-law 569-2013 to vary performance standards including: to permit the proposed increase in height and density, and to establish new development standards related to, amongst other things: parking, landscaping, building setbacks and step backs. Additional amendments to the Zoning By-law may be identified as part of the ongoing application review.

A Plan of Subdivision application has been submitted to facilitate the creation of three development blocks for the four residential buildings, a public park block proposed on the eastern portion of the site fronting The Donway East, and three blocks to be added to the city owned lands for a new public road bisecting the site in a general north southeast direction. A summary of the proposed Plan of Subdivision can be found below:

Block Use	Block #	Area
Development Block (Buildings A and B)	1	0.831 ha
Strata (Below Grade)	1	0.348 ha
Development Block (Building C – Above Grade)	2	0.348 ha
Development Block (Building D)	3	0.290 ha
Park	4	0.170 ha
Walkway	5-6	0.051 ha
Reserve Blocks	7-14	0.012 ha
Road Widening	15-17	0.046 ha
Public Street & Public Lane (excluding City-owned lands)		0.131 ha

Site Plan Control

The proposal is subject to Site Plan Control. The Site Plan Control process examines the detailed design and technical aspects of the proposed development, and will implement the Official Plan and the Zoning By-law. A Site Plan Agreement will be entered into in order to secure various aspects of the proposal. A Site Plan Control application has been submitted (23 139212 NNY 16 SA) and has been appealed.

Rental Housing

The applicant submitted Rental Housing Demolition Application No. 21 223798 NNY 16 RH under Chapter 667 of the Toronto Municipal Code for the demolition of the existing rental housing units, as the subject lands contain six or more residential units, of which at least one is rental. The subject lands contain 160 rental units of which all are proposed to be demolished.

POLICY CONSIDERATIONS

Official Plan Designation: The site is designated *Apartment Neighbourhoods* in the Official Plan and is also located in the Central Don Mills Secondary Plan Area.

Zoning: Residential Multiple Dwelling Zone (RM (f21.0; a835; d1.0)) under Toronto Zoning By-law 569-2013.

COMMUNITY CONSULTATION

A Virtual Community Consultation Meeting was hosted by City staff on April 11, 2022. Approximately 19 people participated, as well as the Ward Councillor. Following a presentation by City staff and the Applicant, the following comments and issues were raised:

- whether or not there are adequate community facilities, school capacity, and services for the additional people that would live in the area as a result of the proposal;
- the adequacy of the amount of open space, landscaping, and soil volume proposed;
- how the proposal responds to the original planned context of the Don Mills area;
- concerns regarding increased traffic;
- the affordability of the units, especially in relation to the rental replacement units;
- the appropriateness of the proposed heights, density, and transition from the surrounding neighbourhoods; and,
- concerns regarding negative shadow impacts.

COMMENTS

Provincial Framework

Staff's review of this application has had regard for the relevant matters of provincial interest set out in the Planning Act. Staff has reviewed the current proposal for consistency with the Provincial Policy Statement, and conformity with the Growth Plan. Staff find the proposal to be generally consistent with the PPS and conforms with the Growth Plan. However, City staff is still reviewing the availability of sufficient servicing capacity for the proposed development on the subject site, pursuant 1.6.6.6 of the PPS, which will be further discussed below in this report. All decisions of Council in respect of Staff Report for Action - Appeal Report - 1053 Don Mills Road, 2, 4, 4R, and 6 The Donway East Page 8 of 26

the exercise of any authority that affects a planning matter shall be consistent with the PPS, and shall conform to provincial plans.

Land Use, Height and Density

Planning staff have reviewed the proposed land use and built form, including height, massing and transition, against the policies of the Official Plan as well as relevant design guidelines. Opportunities exist for additional townhouses or apartments on underutilized sites, and development may also include redevelopment of underutilized or vacant sites. In this regard, City staff is satisfied that the proposed residential redevelopment is an appropriate land use for the subject lands.

The Official Plan states that development in *Apartment Neighbourhoods* shall locate and mass new buildings to provide a transition between areas of different development intensity and scale. The Central Don Mills Secondary Plan states that an objective of the Secondary Plan is to preserve the scale, height and built form relationships originally provided for in the development concept of Don Mills. It states that the policies contained in Chapters 1 to 5 of the Official Plan will be used to guide development in the *Apartment Neighbourhoods* within Central Don Mills. It is noted that the Secondary Plan provides more area-specific policies to guide development within the *Mixed-Use Areas* as well as *Neighbourhood 'A'*, *Apartment Neighbourhood 'A'* and *Apartment Neighbourhood 'B'*, all of which do not apply to the subject site. However, several Secondary Plan policies are provided to guide development in all the *Neighbourhoods* and *Apartment Neighbourhoods*. Of note, it states that Don Mills was planned to provide a mix of housing forms and tenure, generally with higher density within The Donways, and lower density outside of The Donways. As such, City staff is generally satisfied that the proposed tall building type and building heights for Buildings A, B, and D are appropriate on this site, with the mid-rise building type of Building C and its associated setbacks acting as a transition to the adjacent low-rise *Neighbourhoods*.

Built Form, Massing and Design

City staff notes that the proposed built form will need to be further revised and sculpted to more appropriately address Official Plan policies and to better meet relevant urban design guidelines. The Official Plan states that mid-rise buildings should be no taller than the right-of-way and that on corner sites with different right-of-way widths will have building heights along each street edge that relate to their corresponding right-of-way widths. Building C does not provide any step backs or articulation that responds to the narrower width of the proposed new public road, and will need to be revised in order to address this policy.

The Official Plan also states that development within the *Apartment Neighbourhoods*, especially as it relates to tall buildings, shall be located and massed in order to limit shadow impacts and create comfortable wind conditions on adjacent streets, parks, and open spaces. Concerns regarding wind and shadows will be discussed in more detail in following sections of this report. In this regard, the proposed built form may need to be revised in order to address these concerns.

Site Organization and Public Realm

The Official Plan states that development shall promote civic life and provide amenity for pedestrians in the public realm to make areas adjacent to streets, parks and open spaces attractive, interesting, comfortable, and functional. The proposed development incorporates a generous public realm including the proposed POPS space at the corner of Don Mills Road and The Donway East, a spacious setback that is over 14 metres between the southern wall of Building C and The Donway East, and an 'amenity courtyard' surrounded by the pick-up/drop-off loop serving Buildings A, B, C, and the proposed public street.

An objective of the Secondary Plan is to enhance and improve the walkway/link system to facilitate pedestrian and cycling connections. In this regard, staff believes there are opportunities to improve the site circulation for pedestrians and cyclists throughout the proposed development site. The Secondary Plan also notes that a distinctive feature of the original concept for Central Don Mills is the continuous park system linked by walkways, and that these linkages form an important part of the open space network. In particular, staff would like the applicant to formalize the connection between Moccasin Trail Park and the proposed development, especially at the intersection at The Donway East and the new public street. It is important that pedestrian crossings into the park network are welcoming and safe.

With regards to the proposed setbacks, the applicant is proposing for Building B a 6.2 metre to approximately 9.2 metre west setback from Don Mills Road (after the road widening is conveyed) and a 19-metre south setback from the podium to The Donway East. For Building C, the applicant is proposing a 14.2 metre south setback from The Donway East and a 3.35 metre east setback from the future public road. For Building A, the applicant is proposing an 11.5 metre north setback from the podium to the northern property line, as well as a 2.5 metre east setback from the future public road. For Building D, the applicant is also proposing an 11.5 metre north setback from the podium to the northern property line, as well as a 3.37 metre west setback from the future public road, a 5.15 metre south setback to the proposed public park, and a 4.47 metre east setback from The Donway East. The proposed setbacks are generally appropriate, but may require further refinements to ensure there is adequate room for landscaping, as well as pedestrian and cycling circulation, safety, and comfort.

The proposed 'amenity courtyard' shall be redesigned and/or further programmed. It is currently a large open space that is disconnected due to being surrounded by a street and driveways, and may not contribute to the overall pedestrian comfort of the proposed site organization and public realm. The applicant shall explore ways to better integrate and frame this space so that it contributes to the creation of a safe, accessible, and comfortable public realm.

Access and Connections

The four proposed residential buildings are accessed from The Donway East via a proposed new north-south public street that bisects the subject property. The street runs on top of an existing City-owned 10.67 metre strip of land that contains municipal servicing infrastructure. The development also proposes a 6-metre-wide public laneway

that runs from the north end of the public street westwards towards a right-in/right-out access on to Don Mills Road. A pedestrian connection is also proposed along the northern property line connecting Don Mills Road to The Donway East.

Planning staff supports the pedestrian connection along the northern property line, which can also be designed to accommodate cyclists, acting as a mid-block connection for active transportation purposes. However, City staff does not support the proposed public laneway between Don Mills Road and the proposed new public street in its current configuration. The Official Plan provides direction to minimize curb cuts on major arterial roads where possible. Staff is not of the opinion that an access on Don Mills Road at this specific location is appropriate for the good and orderly planning of the subject lands, nor the adjacent lands and potential future redevelopment to the north. As such, the proposed access and vehicular site circulation cannot be supported in its current form.

As the final location and configuration of the proposed public street has not been resolved, this may result in the shifting of blocks and streets and may impact other subdivision related matters. As such, in the event that the Ontario Land Tribunal allows the appeals in whole or in part, the issuance of any final Orders should be withheld until such time as the the owner has provided a revised draft Plan of Subdivision and draft plan approval conditions to the satisfaction of the Chief Planner and the Executive Director, City Planning, prepared in consultation with the City Solicitor and appropriate Divisions.

Traffic, Parking and Loading

A total of 680 vehicle parking spaces are proposed in two 3-level below-grade parking garages. Buildings A, B, and C share accesses from a ramp via the proposed public lane and the shared pick-up and drop-off loop. The second below-grade garage is located below Building D and will be accessed via a private driveway that connects to the proposed new public street. The development proposes to provide four type-G loading spaces.

The Secondary Plan mentions that as a result of the development of the City as a whole, peak hour traffic levels on arterial roads have increased in Don Mills, and the capacity of transportation infrastructure has emerged as a constraint to development. A Transportation Study was prepared as part of the Central Don Mills Study and recommended improvements to the roads system to accommodate the development envisioned in the Secondary Plan.

In this regard, an Urban Transportation Considerations Report was submitted for the site and is currently under review by Transportation Services and Engineering and Construction Services. In the event that the OLT allows the Zoning By-law Amendment application appeal in whole or in part, the final Order should be withheld pending confirmation that the owner has submitted a revised Urban Transportation Considerations Report/Transportation Impact Study acceptable to, and to the satisfaction of the General Manager, Transportation Services and that such matters arising from such study be secured, including any required upgrades or improvements to municipal infrastructure.

Travel Demand Management (TDM)

A TDM plan was included as part of the applicant's Transportation Impact Study. However, additional information is required in order for staff to assess the appropriateness of the proposed TDM Plan.

In the event that the OLT allows the Zoning By-law Amendment application appeal in whole or in part, the final Order should be withheld pending confirmation that the owner has submitted a revised TDM plan acceptable to, and to the satisfaction of the Chief Planner and Executive Director, City Planning and the General Manager, Transportation Services and that such matters arising from such study be secured.

Indoor/Outdoor Amenity Space

The proposed development has approximately 3.1 square metres of outdoor amenity space per dwelling unit, or 3,640 square metres for 1,176 dwelling units. Indoor amenity space has been provided at a rate of approximately 2 square metres per dwelling unit, or 2,365 square metres for 1,176 dwelling units. The required amount of amenity space has been provided. However, staff has some concerns with the wind conditions at some of the outdoor amenity areas, which will be discussed in a following section of this report.

Sun and Shadow

The Official Plan contains policies regarding sunlight and minimizing shadows. The shadow study submitted by the applicant demonstrates that the proposal has shadowing impacts on the proposed public park during the afternoon. Modifications to the building mass and height may be required to minimize any shadowing on to the proposed public park and public realm.

Wind

The Official Plan identifies that new development should limit and mitigate pedestrian level wind impacts. A Pedestrian Level Wind Study prepared by Rowan Williams Davies & Irwin Inc. dated April 20, 2023 concluded that the proposed development will result in uncomfortable conditions at the proposed southwest POPS plaza in the winter. The proposal would also create conditions that are not comfortable for sitting in much of the proposed public park throughout the year. The proposed outdoor amenity spaces on the podiums of the proposed buildings are also identified as uncomfortable in the spring and winter, or comfortable only for walking in the summer and fall. Further mitigation measures, which may include revisions to the built form, shall be explored to improve the pedestrian level comfort on the public realm and proposed amenity spaces.

Parkland

The Official Plan contains policies to ensure that Toronto's systems of parks and open spaces are maintained, enhanced and expanded. The site is in a parkland acquisition priority area, as per Chapter 415, Article III of the Toronto Municipal Code.

The Owner is required to satisfy the parkland dedication requirement through an on-site dedication. The park is to be located on the southeast portion of the site to the south of Building D and comply with the Official Plan. The submitted plans demonstrate that the applicant has proposed an on-site parkland dedication of 1,703.8 m², in a triangular shape, on the southeast portion of the site, which is acceptable to the Parks Development Section.

If the OLT allows the appeals in whole or in part, the final Order should be withheld pending confirmation that the owner has satisfactorily addressed matters from the Parks, Forestry & Recreation memorandum dated July 7, 2023, or as may be updated, in response to further submissions filed by the Owner, all to the satisfaction of Parks, Forestry & Recreation.

Tree Preservation

The Application is subject to the provisions of the City of Toronto Municipal Code. An Arborist Report and Tree Inventory and Preservation Plan were submitted by the Applicant. Urban Forestry staff have expressed concerns with the current proposal as adequate efforts have not been made to satisfy policies in the Official Plan regarding the preservation of existing mature trees wherever possible and incorporating them into the development site, accommodating existing and mature tree growth, or regulating the industry and destruction of trees. A number of significant trees on site are healthy and should be preserved where possible. Complete soil volume calculations and required landscape sections have also not been provided, among other concerns.

If the OLT allows the appeals in whole or in part, the final Order should be withheld pending confirmation that the owner has satisfactorily addressed all outstanding issues raised by Urban Forestry, Tree Protection and Plan Review as they relate to the application.

Servicing

A Functional Servicing and Stormwater Management Report and associated plans have been submitted for the site and are currently under review by Engineering and Construction Services.

The availability of servicing will be a matter that will need to be addressed as part of the OLT appeal.

In the event that the OLT allows the Zoning By-law Amendment appeal in whole or in part, the final Order should be withheld pending the confirmation of water, sanitary and stormwater capacity from the Chief Engineer and Executive Director, Engineering and Construction Services, or the determination of whether holding provisions are required in the Zoning By-law amendment.

Unit Mix

The Growing Up Guidelines state that a minimum 10% of the units should have three bedrooms and 15% of units should have two bedrooms. In this regard, the proposed

120 new 3-bedroom units (11.8%) and 295 new two-bedroom units (29.0%) satisfies the guidelines' unit mix objectives. However, only five two-bedroom units (representing 0.5% of all net new residential units) are approximate or are larger than 87 square metres in size (≥ 82 square metres), and only 26 of the new three-bedroom units (representing 2.6% of all net new residential units) are approximate or are larger than 100 square metres in size (≥ 95 square metres), which does not adequately satisfy the unit size objectives of Guideline 3.0 of the Growing Up guidelines. The applicant shall explore opportunities (for example, slightly reducing the number of studio and/or one-bedroom units) in order to better address the guidelines and accommodate larger units for a broader range of households, including families with children, within the proposed development.

Rental Housing Demolition and Replacement

This application involves the demolition of 160 rental dwelling units.

Official Plan Policy 3.2.1.6 requires new development that would result in the loss of six or more rental dwelling units to replace at least the same number, size, and type of rental units at similar rents to those in effect at the time of application. The policy also requires the applicant to provide an acceptable tenant relocation and assistance plan, addressing the right of existing tenants to return to the replacement units at similar rents and other assistance to lessen hardship.

In accordance with the Official Plan, the applicant is proposing to replace all 160 existing rental dwelling units within a new designated rental apartment building ("Building B"). One existing studio unit and one existing one-bedroom unit would each be replaced with a two-bedroom replacement rental unit, while the remaining 158 existing rental units would be replaced by their respective bedroom types. Detailed layouts/floor plans of the proposed replacement rental units have not been submitted to the city. Consequently, City Planning staff are unable to fully assess whether the proposed replacement rental units satisfy the requirements of the Official Plan. Other matters to be resolved include the development of an appropriate tenant relocation and assistance plan, addressing the right to return to occupy a replacement rental unit at similar rents and other assistance to lessen tenant hardship.

A City-led Tenant Meeting took place on July 14, 2022, and a site visit has been conducted by City staff.

Should the OLT allow the appeals in whole or in part, City staff recommend that the City Solicitor request that the Tribunal withhold its final Order until it has been advised that City Council has approved the Rental Housing Demolition application and secured the replacement rental housing and tenant relocation and assistance plan in a Section 111 agreement.

Further Issues

City Planning continues to receive additional information regarding this application as the result of ongoing review by City commenting divisions, materials submitted in support of the proposal, and through deputation made by members of the public to

Community Council. Planning staff may also be required to evaluate supplementary or revised plans and supporting materials submitted by the applicant after the date of this report. As a result, Planning staff may continue to identify further issues or supplement the reasons provided in this report. Where substantive changes to the proposal are made by the applicant, Staff may report back to City Council as necessary.

Conclusion

The proposal has been reviewed against the policies of the PPS (2020), the Growth Plan (2020), the Toronto Official Plan, and applicable City guidelines intended to implement Official Plan policies.

This report recommends that the City Solicitor, with appropriate staff, attend the OLT in opposition to the application in its current form and to continue discussions with the applicant in an attempt to resolve outstanding issues. This recommendation is consistent with the PPS and conforms with the Growth Plan.

CONTACT

Philip Liu, Senior Planner
Tel: (416) 396-5574
Email: Philip.Liu@toronto.ca

SIGNATURE

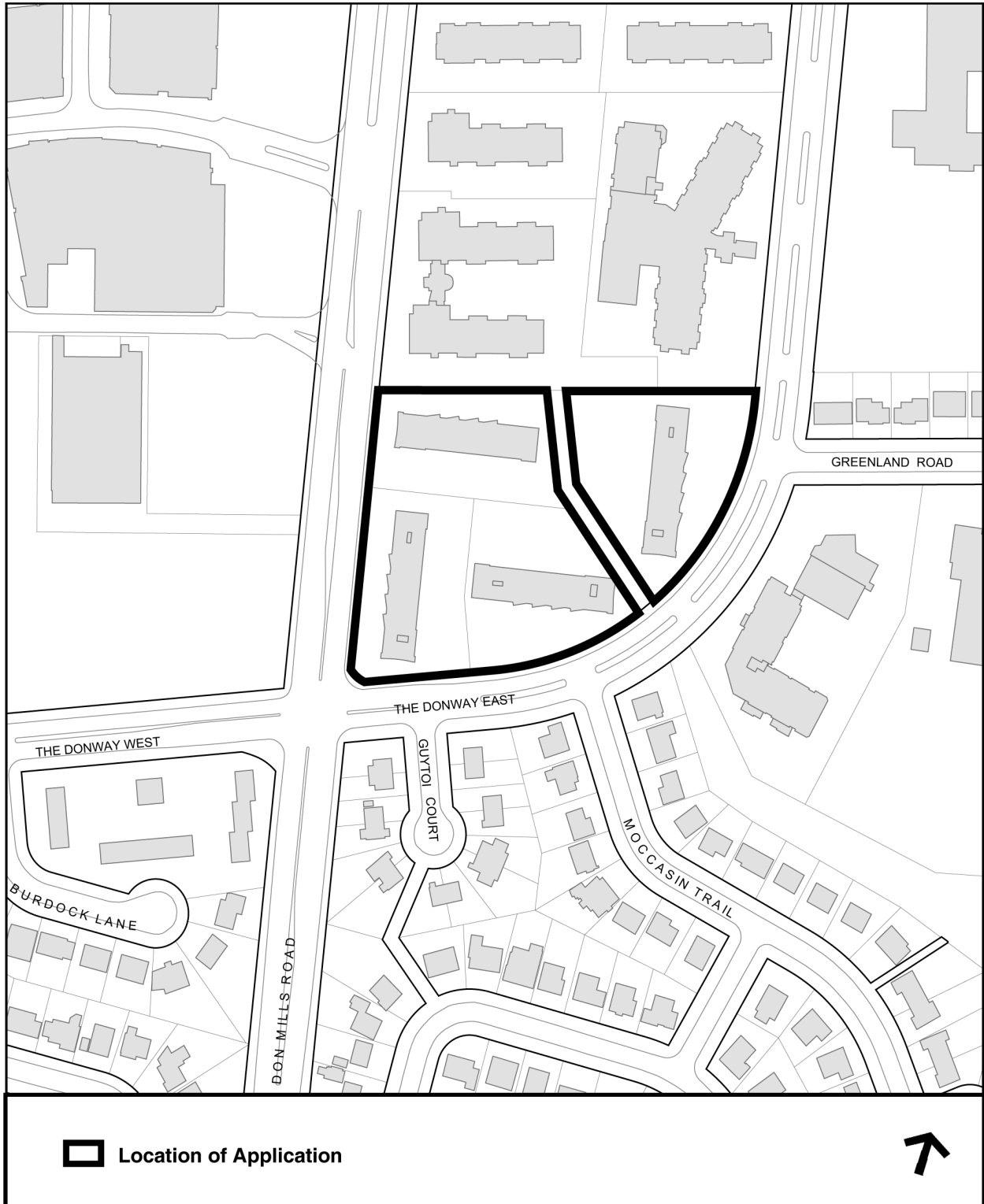
David Sit, MCIP, RPP
Director, Community Planning
North York District

ATTACHMENTS

Attachment 1: Location Map
Attachment 2: Application Data Sheet
Attachment 3: 3D Model of Proposal in Context Looking Northeast
Attachment 4: 3D Model of Proposal in Context Looking Southwest
Attachment 5: Site Plan

Attachment 6: Draft Plan of Subdivision
Attachment 7: Official Plan Land Use Map
Attachment 8: Central Don Mills Secondary Plan
Attachment 9: City of Toronto Zoning By-law 569-2013 Map

Attachment 1: Location Map



APPLICATION DATA SHEET

Municipal Address: 1053 DON MILLS RD **Date Received:** January 9, 2023
2, 4, 4R, and 6 THE
DONWAY EAST

Application Number: 21 223792 NNY 16 OZ / 21 223797 NNY 16 SB /
23 139212 NNY 16 SA

Application Type: Rezoning, Plan of Subdivision, and Site Plan Application

Project Description: Zoning By-law Amendment, Plan of Subdivision, and Site Plan applications to permit four residential buildings ranging in height from 12 to 29 storeys. The proposal also includes a new public park and a new public street.

Applicant	Agent	Architect	Owner
THE DONWAY EAST LIMITED	BOUSFIELDS INC.	BDP. QUADRANGLE	THE DONWAY EAST LIMITED
181 EGLINTON AVE EAST, SUITE 204, TORONTO ON, M4P 1J4	3 CHURCH STREET, SUITE 200, TORONTO ON, M5E 1M2	901 KING STREET WEST, SUITE 701 TORONTO, ON M5V 3H5	181 EGLINTON AVE E, SUITE 204, TORONTO ON, M4P 1J4

EXISTING PLANNING CONTROLS

Official Plan Designation:	Apartment Neighbourhood	Site Specific Provision:
Zoning:	RM (f21.0; a835; d1.0)	Heritage Designation: N/A
Height Limit (m):		Site Plan Control Y Area:

PROJECT INFORMATION

Site Area (sq m): 19,959 Frontage (m): 87 m along Don Mills Rd
260 m along The Donway E

Depth (m):

Building Data	Existing	Retained	Proposed	Total
Ground Floor Area (sq m):			4,474	4,474
Residential GFA (sq m):			84,023	84,023
Non-Residential GFA (sq m):				
Total GFA (sq m):			84,023	84,023
Height - Storeys:	4		29	29
Height - Metres:			80	80
Lot Coverage Ratio (%):	22.42		Floor Space Index:	4.21

Floor Area Breakdown	Above Grade (sq m)	Below Grade (sq m)
Residential GFA:	84,023	
Retail GFA:		
Office GFA:		
Industrial GFA:		
Institutional/Other GFA:		

Residential Units by Tenure	Existing	Retained	Proposed	Total
Rental:	160	160	50	210
Freehold:				
Condominium:			966	966
Other:				
Total Units:	160	160	1,016	1,176

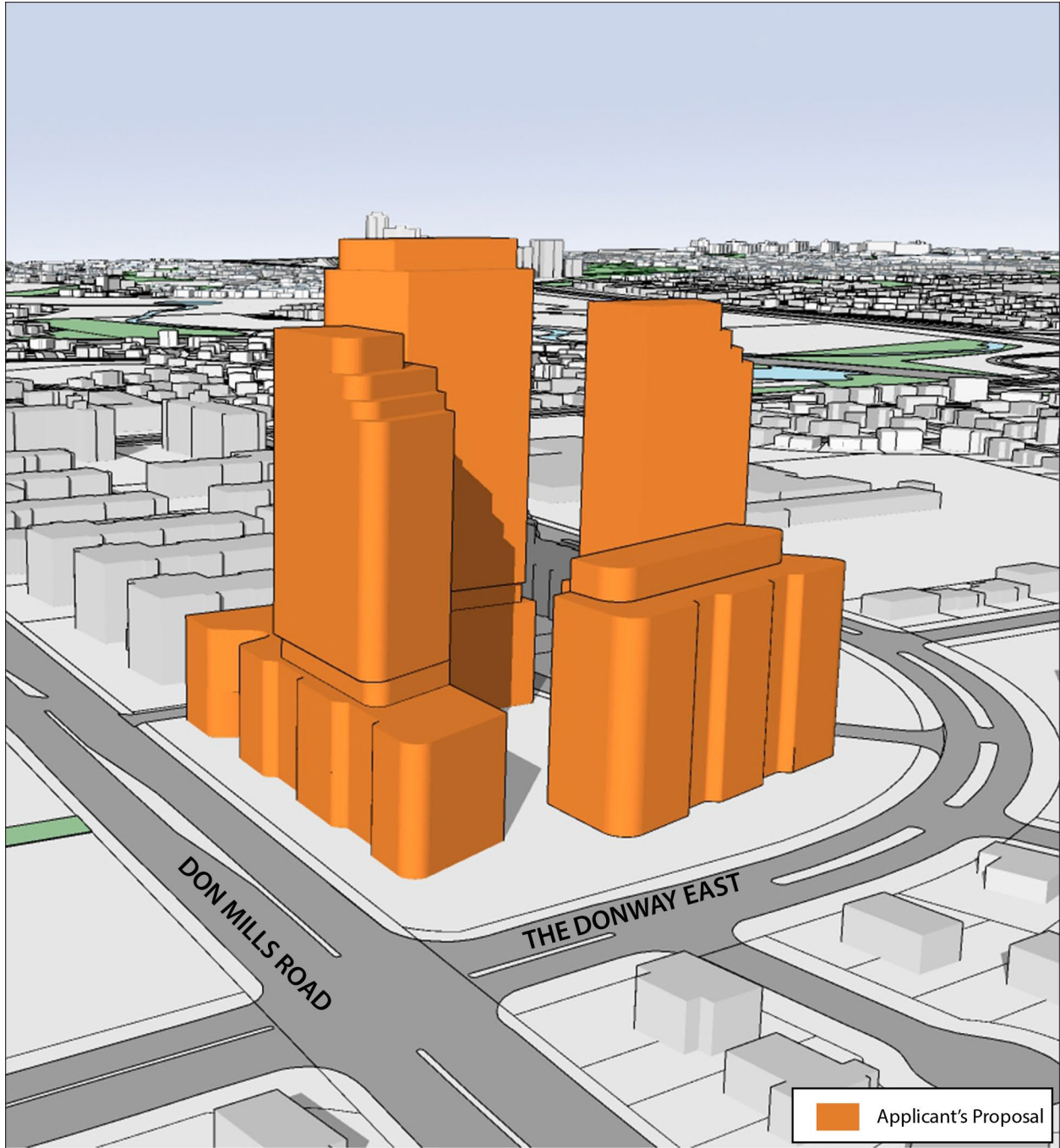
Total Residential Units by Size

	Rooms	Bachelor	1 Bedroom	2 Bedroom	3+ Bedroom
Retained:		4	92	64	0
Proposed:		5	596	295	120
Total Units:		9	688	359	120

Parking and Loading

Parking Spaces: 680 Bicycle Parking Spaces: 1178 Loading Docks: 4

Attachment 3: 3D Model of Proposal in Context Looking Northeast

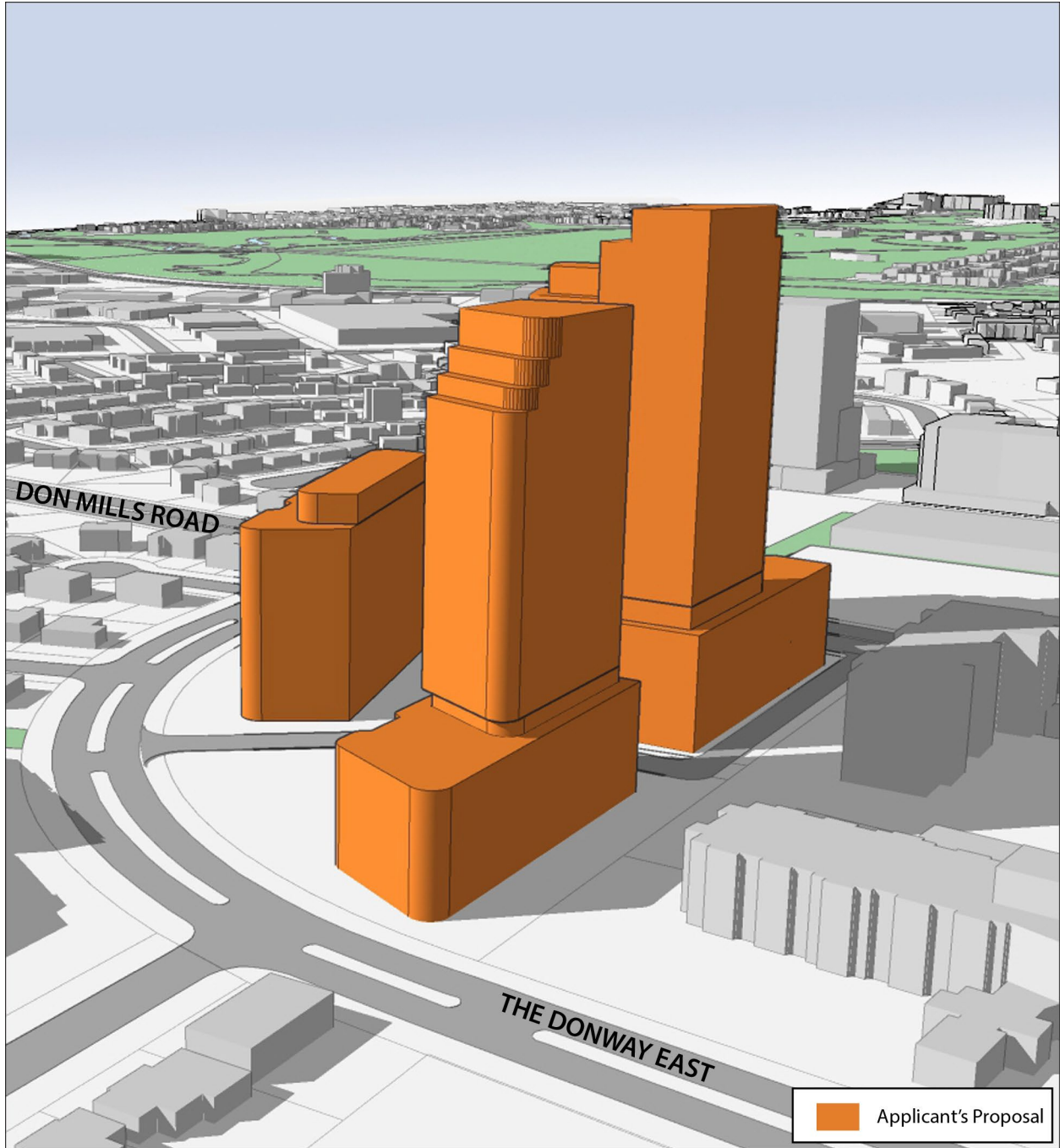


View of Applicant's Proposal Looking Northeast



01/05/2023

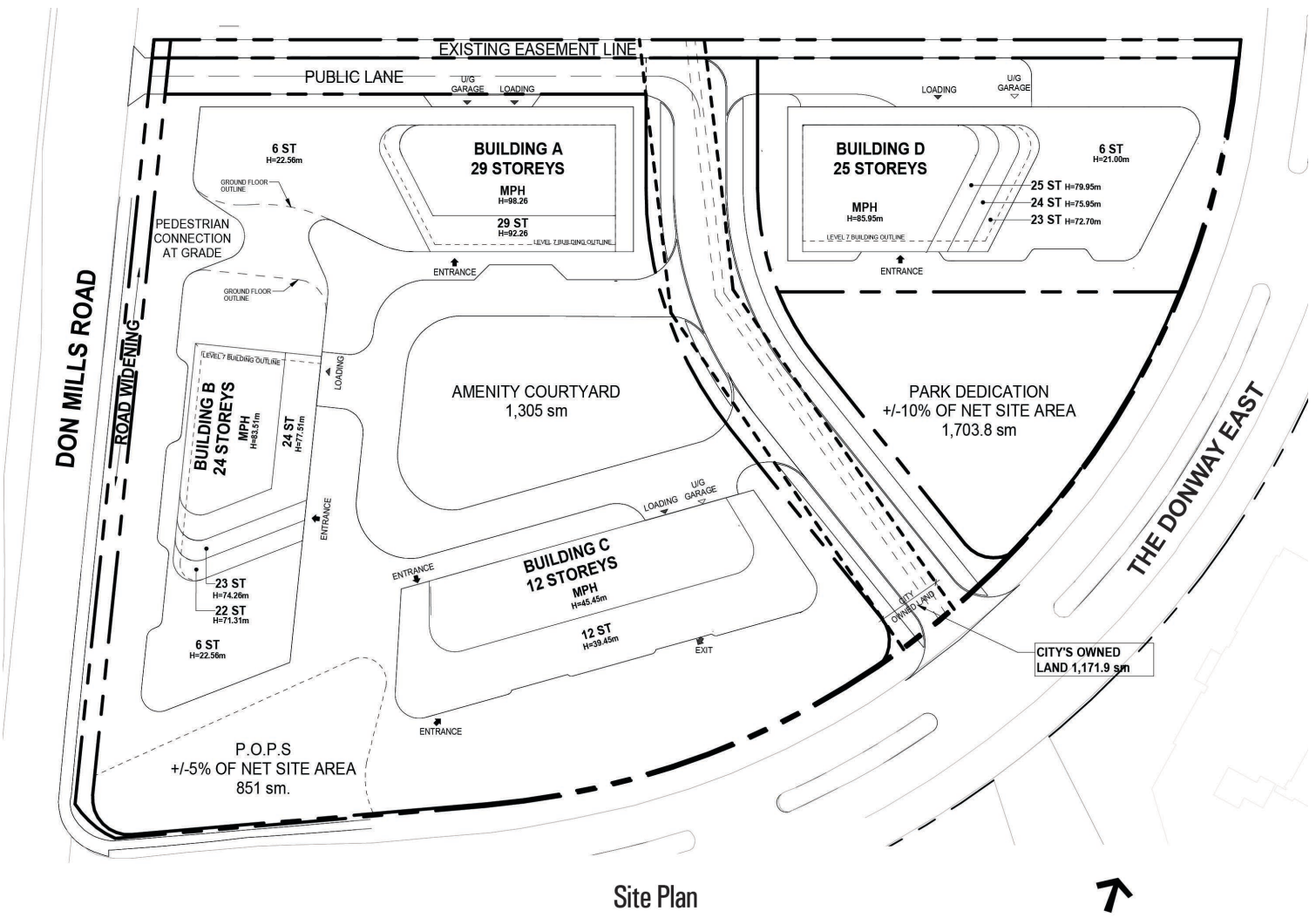
Attachment 4: 3D Model of Proposal in Context Looking Southwest



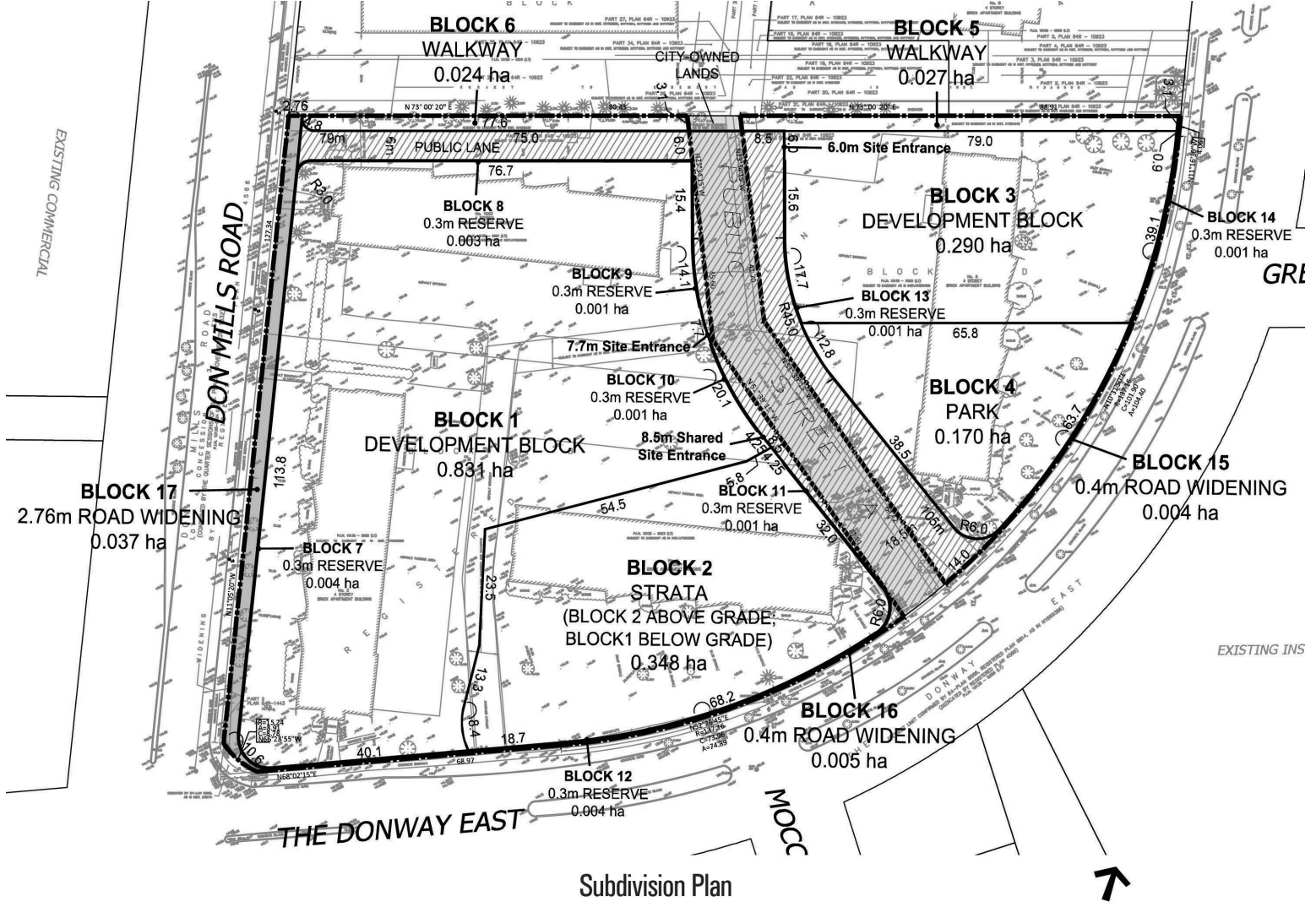
View of Applicant's Proposal Looking Southwest



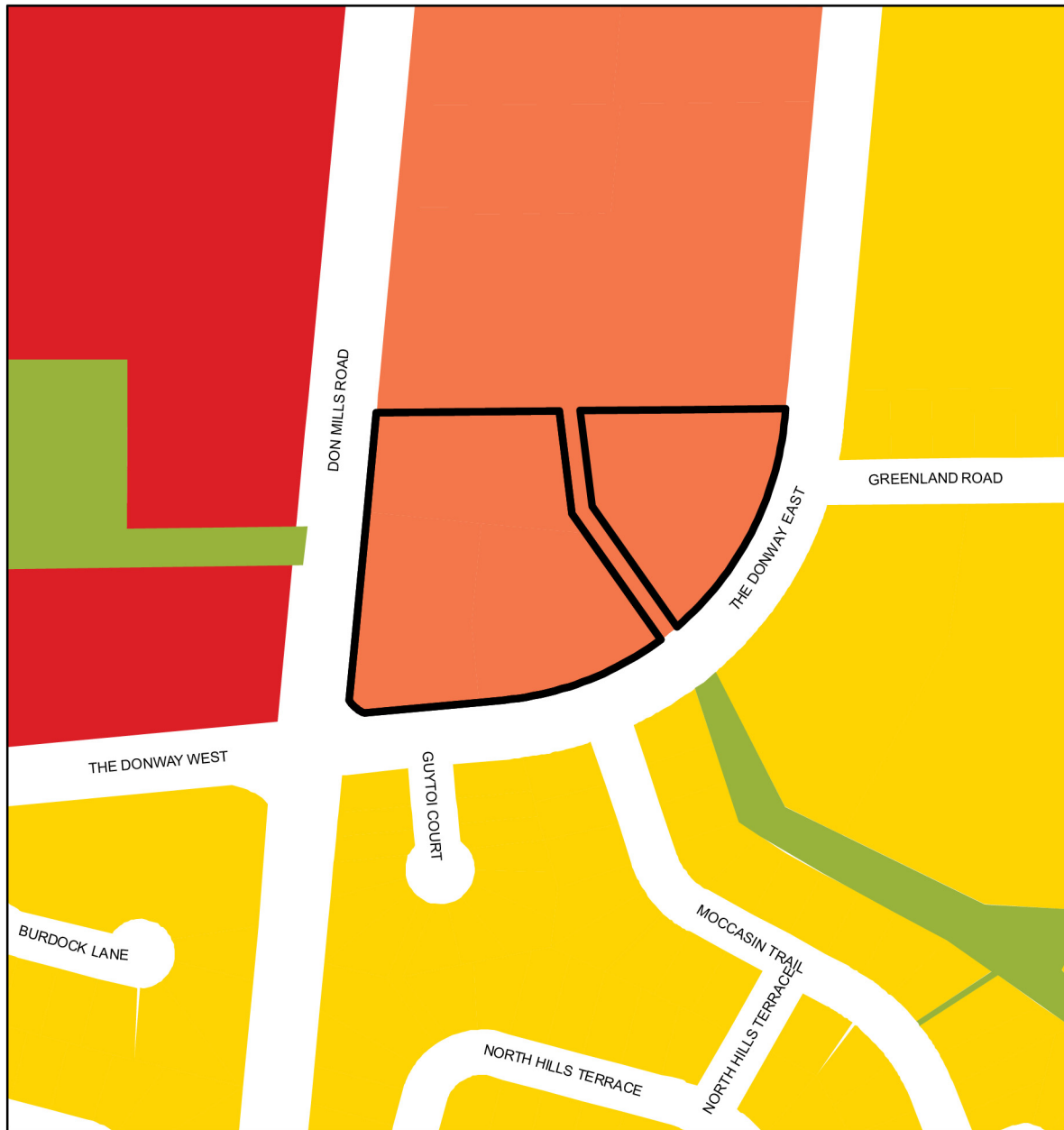
01/05/2023



Site Plan



Attachment 7: Official Plan Land Use Map




1053 Don Mills Road & 2, 4, 4R, and 6 The Donway East

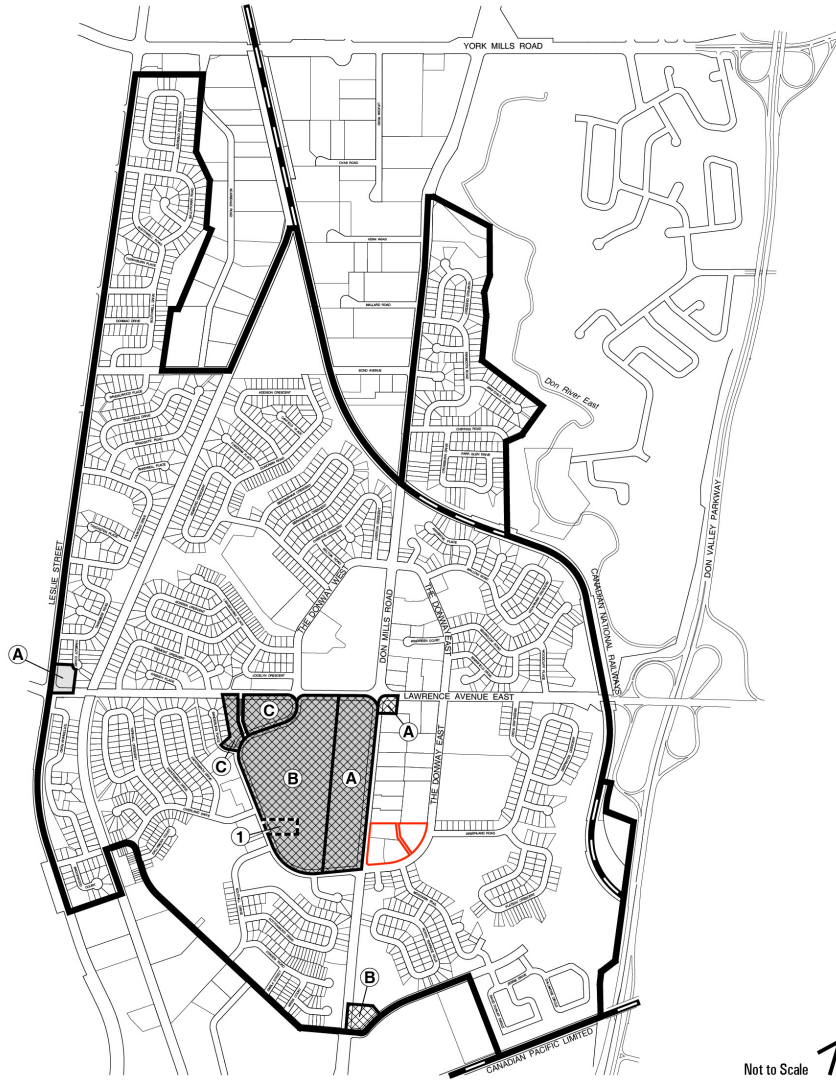
Official Plan Land Use Map # 20

File # 21 223792 NNY 16 0Z

- Location of Application
- Neighbourhoods
- Apartment Neighbourhoods
- Mixed Use Areas
- Parks


 Not to Scale
 Extracted: 12/22/2023

Attachment 8: Central Don Mills Secondary Plan



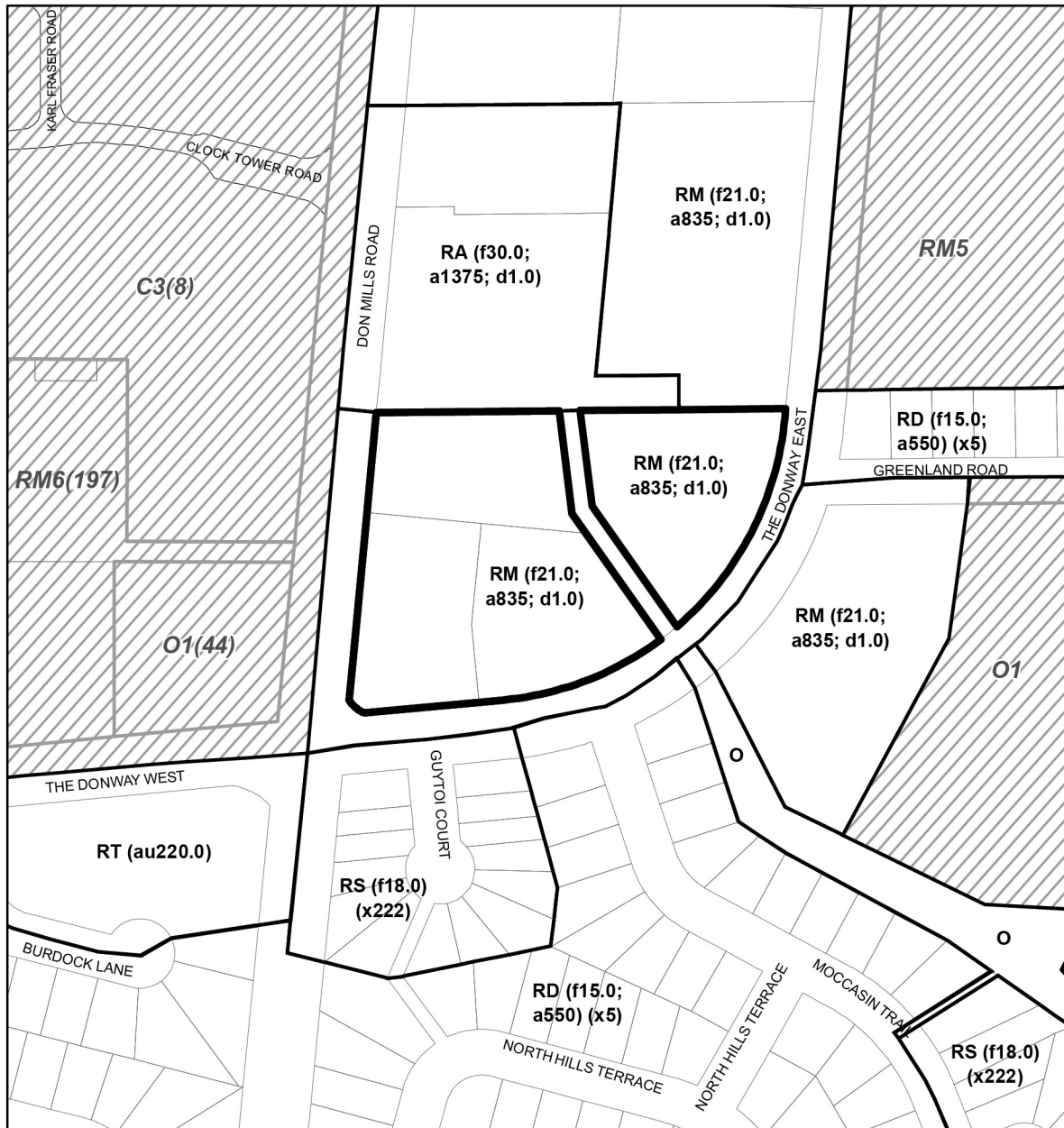
Central Don Mills Secondary Plan

MAP 24-1 Land Use Areas

- Secondary Plan Boundary
- Subject Site
- Neighbourhoods
- Apartment Neighbourhoods
- Mixed Use Areas
- Site Specific Policy Areas

June 2006

Attachment 9: City of Toronto Zoning By-law No. 569-2013 Map



1053 Don Mills Road & 2, 4, 4R, and 6 The Donway East

Zoning By-law 569-2013

File # 21 223792 NNY 16 0Z

Location of Application

RD Residential Detached
RS Residential Semi-Detached
RT Residential Townhouse

RM Residential Multiple
RA Residential Apartment
O Open Space

See Former City of North York By-law No. 7625

RM5 Multiple-Family Dwellings Fifth Density Zone
RM6 Multiple-Family Dwellings Sixth Density Zone
C3 District Shopping Centre Zone
O1 Open Space Zone



Not to Scale
 Extracted: 12/22/2023